

# PUBLICSECTOR

Rāngai Tūmatanui

Journal of the Institute of Public Administration New Zealand

Volume 40 : 1 • April 2017



**BETTER PUBLIC SERVICES:  
Where to next?**  
**HUMAN RIGHTS: In Everyone's Interest**



Institute of  
Public Administration  
New Zealand

# Leadership. Service. Success.

Guide your team to success and let your leadership skills shine.

**Do training that counts in State Sector Leadership.**

Call 0508 SKILLS today or visit [www.skills.org.nz](http://www.skills.org.nz)

**skills.**



## Are you a public sector professional? Then, you've heard about us!

As New Zealand's only specialist public sector recruitment firm we have the expertise, the relationships and the know-how to find you the right job and the right talent every single time, permanent or contract!

Visit: [www.thejohnsongroup.co.nz](http://www.thejohnsongroup.co.nz) or phone **04 473 6699**



**Clive Horne**

Senior Consultant  
Permanent  
MRCSA



**Heather Haines**

Associate Director  
Contracting  
MRCSA



**Claudia Gonzalez**

Senior Consultant  
Contracting  
MRCSA



## The Johnson Group



Your  
first choice for  
Public Sector Professionals

**PUBLISHER**

**The Institute of Public Administration  
New Zealand**

PO Box 5032, Wellington, New Zealand  
Phone: +64 4 463 6940  
Fax: +64 4 463 6939  
Email: admin@ipanz.org.nz  
Website: www.ipanz.org.nz  
ISSN 0110-5191 (Print)  
ISSN 1176-9831 (Online)

The whole of the literary matter of *Public Sector* is copyright. Please contact the editor if you are interested in reproducing any Public Sector content.

**EDITOR**

John O'Leary: johntoleary@paradise.net.nz

**CONTRIBUTORS**

Dave Armstrong  
Miriam Bookman  
Carl Billington  
Shelly Biswell  
Heidi Coetzee  
John Larkindale  
Margaret McLachlan  
Rose Northcott  
John O'Leary

**JOURNAL ADVISORY GROUP**

Annie De'Ath  
John Larkindale  
Karl Lofgren  
Len Cook  
Lewis Rowland  
Margaret McLachlan  
Ross Tanner

**ADVERTISING**

Phone: +64 4 463 6940  
Fax: +64 4 463 6939  
Email: comms@ipanz.org.nz

**CONTRIBUTIONS**

*Public Sector* welcomes contributions to each issue from readers.

Themes for 2017 issues are:

April: Better Public Services review  
July: Public-private partnerships  
September: Guarding the border  
December: Open issue

Please contact the editor for more information.

**SUBSCRIPTIONS**

IPANZ welcomes both corporate and individual membership and journal subscriptions. Please email admin@ipanz.org.nz, phone +64 4 463 6940 or visit www.ipanz.org.nz to register online.

**DISCLAIMER**

Opinions expressed in *Public Sector* are those of various authors and do not necessarily represent those of the editor, the journal advisory group or IPANZ.

Every effort is made to provide accurate and factual content. The publishers and editorial staff, however, cannot accept responsibility for any inadvertent errors or omissions that may occur.



Better Public Services: Where to Next?



A Constitution for Aotearoa New Zealand



Collaborating on the Ground



Doing It Better for Our Children

**CONTENTS**

President's Message by John Larkindale .....	2
IPANZ News: Doing it Better Progress on Better Public Services .....	3
Editorial .....	4
<b>COVER STORY</b>	
Better Public Services: Where to Next? .....	5-9
Names, Numbers, Needs - a success story .....	10
Q&A: The Children's Champion: A conversation with Judge Andrew Becroft .....	12-13
Better Outcomes: Collaborating on the Ground .....	14-15
<b>SPECIAL FEATURE</b>	
Human Rights: In Everyone's Interest .....	16-19
Books: A Constitution for Aotearoa New Zealand .....	20-21
Better Public Services: Figuring it All Out .....	22-23
Point of View: Doing It Better for Our Children .....	24

*Public Sector* is printed on environmentally responsible paper produced using ECF, third-party certified pulp from responsible sources and manufactured under the ISO14001 Environmental Management System.

## Good - and better - Government



By IPANZ President John Larkindale

When Finance Minister Steven Joyce spoke at IPANZ's annual event at Parliament on 21 February, he spoke about options for using the Government's projected future financial surplus. In doing so, he made it clear that four key areas are on his radar screen – reducing the Government's indebtedness, improving the nation's infrastructure, tax changes to lower the burden on low and middle-income earners, and better public services. Even if the projected surpluses come to pass, there will be some hard choices to make among these various options. No doubt, politics being what politics are and this being election year, we can expect some pennies at least to be dropped into each of these buckets.

All of these areas are ones that are valid targets for attention – lower debt means greater resilience and borrowing headroom if (or, rather, when) New Zealand might have to weather some kind of economic shock; better infrastructure will assist productivity and support greater economic growth; a lower tax burden will assist many in our society who are struggling to make ends meet; and better public services will be of benefit to all those living in New Zealand.

Many of Mr Joyce's counterparts overseas will be envious of the fact that he and his colleagues have this kind of choice to make. In making comparisons with overseas examples, it is noteworthy, too, that opinion polls show that in general most New Zealanders place a low priority on tax cuts; they would prefer the government to improve public services, health and education in particular. This is a reflection of the fact that most people in this country still trust the government to deliver to them the services and frameworks which they need (a subject that I wrote about in the last issue of *Public Sector*).

New Zealanders do not generally have a fear of Big Government. They recognise that in a small country only government can achieve the economies of scale required to deliver public good services efficiently and effectively, while also implicitly understanding that the small size of the population also means that our political representatives can be made quickly aware if they start going down the wrong track.

### Progress

In this issue we focus on the Government's Better Public Services (BPS) programme. Data from SSC show that substantial progress towards the targets set at that time have been made in a number of areas, while elsewhere the targets are some way off yet from being achieved. That is not surprising, not only because some of the targets were challenging ones but also – and importantly – because in many cases achievement of the targets required buy-in from the citizens involved. Government by itself cannot drive outcomes by decree; the people targeted have to change behaviours and to be persuaded of the merits of what was available.

The BPS targets have been chosen in part because they represent areas that reflect the health and well-being of our society. They are ones that Government, acting on our behalf, has selected as being those that, if achieved, will have ensured that in some key respects New Zealand is a better place – a better place for its people, that is. But they are not an end in themselves. Nor, even if the targets are achieved, will the process be at an end; there will be new areas to be addressed and new targets to be set.

What the BPS process also makes clear is that there is a difference between good government

and good (or, if you like, effective) government services. On the whole, New Zealand has been fortunate to have had, over many years, pretty good government. By the measures used by Transparency International, for example, we have little corruption, a large measure of transparency in government processes, and a democratic system that results in a government that in large part reflects the wishes of the bulk of the population. We do not appear to have a system where money has a large influence on how we are governed. I would also venture to suggest that most Members of Parliament have a real sense of public duty (a value that is not necessarily widely shared across the globe).

But this is only a necessary condition for the provision of good government services. It is not sufficient in itself. It is increasingly clear that at least some of the resources government has applied over the years to the various areas in which it works have not been effective in driving the results that were needed. Insufficient effort has been made in some areas to measure the impact of public sector interventions. In many areas it can be very difficult indeed to identify what measures really work, but that is only a reason to try harder. It has to be recognised, too, that in some cases, hard data may be difficult to come by and that, therefore, professional judgements and long-term cohort studies may be a meaningful approach to adopt.

And that, of course, requires more investment in people, something that is too often overlooked in programme design. Without that, the road to better government will be harder and longer than it needs to be. As the Māori proverb observes, what is the most important thing in the world? *He tangata, he tangata, he tangata!*

## Doing it Better: Progress on Better Public Services



**Hon Stephen Joyce**  
Finance Minister

It's unlikely that all Better Public Services results will be achieved on time, Finance Minister Hon Steven Joyce said at the IPANZ annual address on 21 February.

"If they were all easily achieved, we wouldn't have been setting the targets high enough. As long as we're making strong progress, that's what's important," he said.

Joyce cited success stories in improving transactional services for the public, an area where the public sector had slipped behind the private sector in ease of transactions with government – because of capital constraints and concerns about risk.

BPS Results 9 and 10 were set up to tackle the problem and had made good progress e.g. the new online passport application service, online visa applications and Smart Gate.

There were currently 192 significant projects underway to transform public services, with a combined whole-of-life cost of \$39.3 billion. This had increased by 48 projects and \$4.2 billion in the last year.

"Most New Zealanders don't realise that our three biggest citizen systems, the IRD, the ACC and MSD, are going through massive transformations and modernisations all at once. The new finance team and Government Investment Ministers will be particularly focused on ensuring agencies are achieving the

benefits committed to in all these projects."

"As the Minister of Finance, I am going to focus on improving our understanding of the value being created by the Government's significant existing expenditure and improving that value."

He said it wasn't sufficient to cite 'cost pressures' in budget bids. He would be asking for economies of scale or innovation to reduce costs; or ways to improve productivity.

### Specific, measurable improvements

"Ministers want to see specific, measurable improvements in productivity and results through innovation as part of all major budget discussions."

Budget 2017 would be focused on delivering better public services, building new infrastructure, reducing net debt in order to manage economic or natural shocks, and reducing taxes. He urged public servants to consider the "Mums and Dads" providing their taxes, when making decisions.

"Another new big area of work to improve public services is social investment," he said.

He cited an initiative, Project 1000, in Hawke's Bay which is a scheme to bring all the key players together in a plan to match into jobs 1000 currently unemployed young people.

"It's not easy - these are young people with complex social issues. Agencies will take a planned, collaborative, social investment approach. It's social investment in action."

Minister Joyce announced the first use of a social bond. APM Workcare will be contracted to address the challenge of helping people with mental health conditions in South Auckland back into work. A second bond, aimed at reducing youth reoffending rates, will occur later in the year.

In response to an audience question about a funding model to support cross-government innovation, Minister Joyce acknowledged that working across government is one of the biggest challenges for the public service.

"We now have better measurement tools – not a solution in its own right, but return on investment is important for cross-government programmes.

"One thing about a government that's been in place for a while is that we're looking at the difficult issues, addressing the longer-term challenges. The Social Investment collective impact model is an area in which we could do more."

Read Minister Joyce's speech at: [www.ipanz.org.nz](http://www.ipanz.org.nz)



## CONTRIBUTIONS PLEASE

*Public Sector* journal is always happy to receive contributions from readers.

If you're working on an interesting project in the public sector or have something relevant to say about a particular issue, think about sending us a short article on the subject. While we will always look at well written pieces on any public sector subject, it would help if your article touched on or related to one of the journal's quarterly themes.

Themes for 2017 issues are:

- April: Better Public Services review
- July: Public-private partnerships
- September: Guarding the border
- December: Open issue

Contact the editor John O'Leary at [johtoleary@paradise.net.nz](mailto:johtoleary@paradise.net.nz)

## Ready for a change in 2017?

We are speaking to a number of managers with a desire to bring additional Principal and Senior Policy Analysts into their busy teams. If you're open to considering new employment opportunities now is the time to start the conversation.

What's in it for you?

- Attractive remuneration packages
- On-going professional and personal development
- Values based work environments
- Flexible work options; and
- Opportunity to develop your leadership capability through coaching and mentoring others

Email [kirsty.brown@h2r.co.nz](mailto:kirsty.brown@h2r.co.nz) or [kate.terlau@h2r.co.nz](mailto:kate.terlau@h2r.co.nz) to hear about current and upcoming opportunities!

**Policy Contractors** – We are still working with a variety of government agencies who are seeking experienced policy contractors to lead and be involved in significant policy programmes. If this sounds like you please contact our contracting specialist Georgina Makarios at [georgina.makarios@h2r.co.nz](mailto:georgina.makarios@h2r.co.nz)

**For more details, visit [www.H2R.co.nz/policy](http://www.H2R.co.nz/policy) or call us on 04 499 9471.**



Kirsty Brown and Kate Terlau

NZ's Leading Recruitment and  
Organisational Development Specialists

[www.H2R.co.nz](http://www.H2R.co.nz)



**Welcome to the first issue of *Public Sector journal* for 2017. We hope you had a good summer break and are ready for all this year brings – and who knows what that might be, given that we live in such interesting times.**

In this issue we take a look at the Better Public Services programme that the government announced back in 2012. Five years ago is a long time, and it would be fair to say that in some ways BPS has slipped into the background – it has become part of the public service furniture, so to speak. And yet, when they were announced, many of the BPS programme goals were ambitious; sometimes, critics might say, over-ambitious. It's time we looked at BPS again, assessing how things have gone and – crucially – identifying what comes after.

Carl Billington's cover story does just this, with input from, among others, Peter Hughes, CE of the State Services Commission (the lead agency for BPS) who talks enlighteningly about BPS 2.0. To complement Carl's cover story we have two focus articles that take a close look at how two particular BPS initiatives – the ARoNA programme in the field of education and the Hutt Valley Justice Sector Innovation Project in the field of crime/justice – have made a positive impact.

Our regular Q & A piece is always popular, so we've decided to continue it this year. In our interview with Andrew Becroft, the Children's Commissioner, we learn what he thinks of the BPS programme as it relates to the important area of supporting vulnerable children. Becroft's comments are nicely complemented by the thoughts in the PoV piece at the end of the issue, provided by Heidi Coetzee, Acting CE of Save The Children. While both Becroft and Coetzee agree that the BPS targets around supporting vulnerable children are worthy, they are clear that they are only a start – much more needs to be done all round to make sure all children in New Zealand are safe, healthy and cared for.

The human rights of children are too often ignored, and it is the agency concerned with protecting human rights in New Zealand, the Human Rights Commission, that is the subject of the first of our four special features on the various commissions that dot the public sector landscape. Some of these agencies are high profile and their work reasonably well known; others are more mysterious. By the end of the year I hope we'll all know more about some of these important but often under-noticed organisations.

A new feature this year is the Books section, where commentators discuss books that are of relevance to the New Zealand public sector and which people working in it should know about. In this issue, Miriam Bookman of Russell

McVeagh considers Geoffrey Palmer's and Andrew Butler's *A Constitution for Aotearoa New Zealand*, published last year. While Miriam does not see a written constitution as a cure-all, she does find merit in Palmer's and Butler's idea of the country having a clear, readily accessible codification of fundamental public sector standards, standards that recently have come into question as political pressure increasingly makes itself felt on public servants.

A line-up of relentlessly serious articles can make for a gruelling read, so as usual we've lightened the mix with a sideways look from columnist and playwright Dave Armstrong who "does the maths" on BPS. How useful are the BPS targets, he asks? And even if the public sector does not achieve some of them, does that mean the exercise has been a failure? Not necessarily, thinks Dave.

I hope you enjoy the other issues of *Public Sector journal* we have planned this year. We'll be considering two excellent, relevant subjects – public/private partnerships and guarding the border. The last issue of the year will be an open one where we'll look at a diverse range of issues and themes. Please consider sending in a contribution about a public sector project or initiative you're involved in, or know of – we love input from our readers.

**John O'Leary**  
Editor

## Victoria Professional and Executive Development

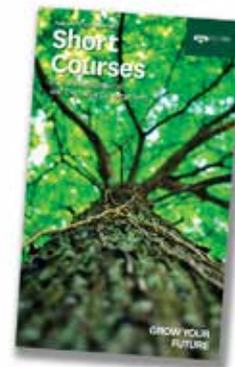
High quality professional and executive development courses specifically designed for the public sector:

- Administration and Event Management
- Business Improvement
- Communication and Engagement
- Data and Information Management
- Finance, Accounting and Economics
- Law
- Leadership Development and People Management

- Resilience and Managing Yourself
- Maori Language and Culture
- Project Management
- Design Thinking
- Public Policy

We also deliver in-house courses, can customise existing courses or design new programmes to suit your requirements.

For more course dates, further information and to enrol visit [www.victoria.ac.nz/profdev](http://www.victoria.ac.nz/profdev) or call us on 04-463 6556.



Our latest 2017 short course catalogue is out now. View it online at [www.victoria.ac.nz/profdev](http://www.victoria.ac.nz/profdev)

# BETTER PUBLIC SERVICES: Where to next?



**Ross Tanner**

Public Sector Governance  
and Management Consultant



**Peter Hughes**

State Services Commissioner



**Graham Scott**

Commissioner, Productivity Commission

*In 2012, the New Zealand Government made the bold decision of setting 10 challenging targets for the public sector and holding itself publicly accountable for achieving these over the next three to five years.*

*What did the Better Public Services initiative set out to achieve? Five years on, has it succeeded? And what's next? CARL BILLINGTON found out.*



## SETTING THE SCENE

The Better Public Services 10 results targets sit across five key themes:

- Reducing long-term welfare dependency
- Supporting vulnerable children
- Boosting skills and employment
- Reducing crime
- Improving interaction with government.

Ross Tanner, a previous Deputy State Services Commissioner (1993-2001) and now a consultant who specialises in public sector governance and management, outlines the context in which the Better Public Services initiative was introduced.

"I'm a fan of the BPS. It's simple. Ten results. That's easily understandable for both the public service and the public as well," Tanner comments.

"I think it was a very brave statement of government to set 10 stretch targets and make themselves publicly accountable for them."

Tanner sees the BPS as the latest in a series of endeavours of fine-tuning how we assess the public sector's performance.

"Over time the pendulum has swung from light-handed to heavy-handed approaches, and back again. The Performance Improvement Framework

## REDUCING WELFARE DEPENDENCE

### 1 REDUCING LONG-TERM WELFARE DEPENDENCE

#### ESTIMATED FUTURE LIABILITY RELEASE\*

\* A release in the liability means a reduction in the amount of time beneficiaries will spend receiving a benefit



was the most recent response to this challenge. The BPS builds on that," he suggests.

"With the government's 'Towards 2010' vision statement in the 90s and the subsequent Strategic Result Areas for each public service sector, endeavouring to drive better performance across the sector isn't new," Tanner adds.

Tanner sees BPS as "one of the more challenging, but sensible, things any government's done in recent years - but the difficult part is getting government departments and agencies to work effectively together to make things happen on the ground and to solve the 'hard stuff'".

## SO WHAT'S BEEN ACHIEVED?

Peter Hughes, State Services Commissioner, comments on what he sees as the core achievements of the Better Public Services initiative since its introduction five years ago.

"Most people focus on the 10 targets because their impact's the most visible. But the really big result we've had from the targets is pulling agencies together behind a common focus. It was a very bold thing to do - and it's helping move us into much more of a system focus.

"The reforms of the 90s achieved a lot by focusing on each individual

agency and ensuring they were organised to deliver high-quality products and services to the public. The challenge going forward is that citizens are looking to the government for better outcomes and results for society as a whole – not just improved services from individual agencies.”

Hughes highlights the distinction between these perspectives further. “Unlike customer service, where you’ve got pretty much everything you need to deliver excellent customer services in your own agency, when you start to focus on results across a system, you haven’t. The challenge at this level now becomes working across the system in large-scale collaboration.

*“Most people focus on the 10 targets because their impact’s the most visible. But the really big result we’ve had from the targets is pulling agencies together behind a common focus. It was a very bold thing to do – and it’s helping move us into much more of a system focus.”*

“All of that brings us to the next stage of the reform. We will see some new targets going forward, but with a new focus on achieving those outcomes by understanding and working across the system as a whole.”

Hughes adds that when you start to think from a system perspective, you ask a different set of questions, such as:

- How is the system designed, how is it structured, and how well is that working?
- Who holds decision rights, how are decisions made – and how well is that working?
- How do resources flow through the system?
- How well is the system aligned and whose voices are around the table?

“We need to see ourselves as part of a whole system; there’s something we need to recapture there in the notion of a single public service and the idea of working for citizens in a way that is ‘imbued with the spirit of service,’ as the State Sector Act puts it.

“Alongside the updated targets, BPS 2.0 will reset our focus on the system as a whole and why that system exists in the first place.”

#### FROM SILO TO SECTOR TO SYSTEM

In describing the shift towards a system-oriented view of the world, Hughes describes his initial experiences coming into his previous role of Secretary for Education:

“When I began at education, the job description

positioned my role as the ‘leader of the education sector.’ While I was wrestling with what that meant, it occurred to me that education is not a sector, it’s a system.

“We need to approach our roles across the public service in terms of system stewardship, not sector or individual agency leadership.

“The education sector, and every other sector, is already full of people who are leading – and leading extremely well. That’s what a school principal does. What they need are people who have an eye across the system as a whole – that’s why we’re here.”

As we shift towards a system approach, Hughes is also clear that we can’t neglect the effective management and operation of each individual agency but he says that this is the entry level starting point, not the end goal.

“In the past there’s been a strong focus on the individual performance contracts for each Chief Executive. It sets the floor below which we can’t drop, but it’s not where our focus is. We have a more sophisticated outlook on all of this today. None of us go to bed at night with our performance contract on the bedside table.

“Yet, I don’t think there would be a Chief Executive in the public service that is not extremely focused on the BPS targets. These are things we’re all discussing with Ministers on a weekly basis,” Hughes adds.

“What’s driving our effort today is the shared ambition for better services, and better outcomes for New Zealand as a whole – tackling the large issues that are represented in things like the BPS targets.

“Those issues are what New Zealanders talk about and this is what Ministers are hearing all the time. It’s not enough just to focus on how well an individual agency is run, what matters is how well we’re meeting our citizens’ needs, and what we’re doing about the big issues such as welfare and employment, health, education, crime, and the safety and well-being of our young people.

“Our challenge is to adapt the system to support that and support the focus on better results and better outcomes. And that means every Chief Executive has to have two focuses: the effective leadership and management of their own agency; and providing leadership and management at the system level,” Hughes explains.

“Those working in Corrections will not be able to address reoffending rates without input from Work & Income or the various drug and alcohol services provided through the health system - or community providers that help reintegration into the community. Nothing exists in isolation.”

## SUPPORTING VULNERABLE CHILDREN

### 2 INCREASE PARTICIPATION IN ECE

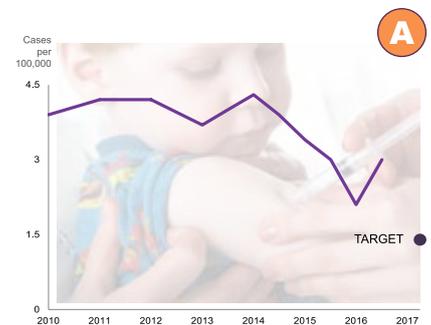
EARLY CHILDHOOD EDUCATION PARTICIPATION



## SUPPORTING VULNERABLE CHILDREN

### 3 REDUCE RHEUMATIC FEVER

RHEUMATIC FEVER



## BOOSTING SKILLS AND EMPLOYMENT

### 5 INCREASE PROPORTION OF 18-YEAR-OLDS WITH NCEA L2

18-YEAR-OLDS ACHIEVEMENT OF NCEA L2



## REDUCING CRIME

### 7 REDUCE THE RATES OF TOTAL CRIME, VIOLENT CRIME AND YOUTH CRIME

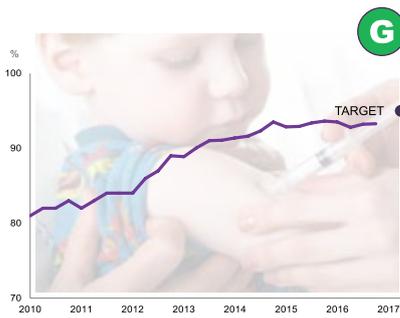
CRIME RATE



## SUPPORTING VULNERABLE CHILDREN

### 3 INCREASE INFANT IMMUNISATION

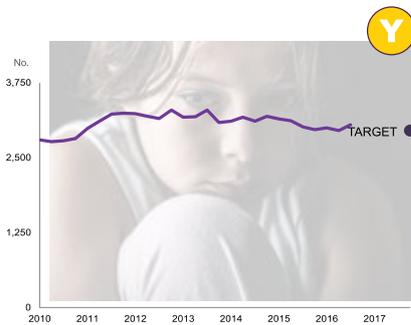
INFANT IMMUNISATION



## SUPPORTING VULNERABLE CHILDREN

### 4 REDUCE ASSAULTS ON CHILDREN

CHILDREN EXPERIENCING PHYSICAL ABUSE



## BOOSTING SKILLS AND EMPLOYMENT

### 6 INCREASE PROPORTION OF 25- TO 34-YEAR-OLDS WITH NZQF L4 OR ABOVE

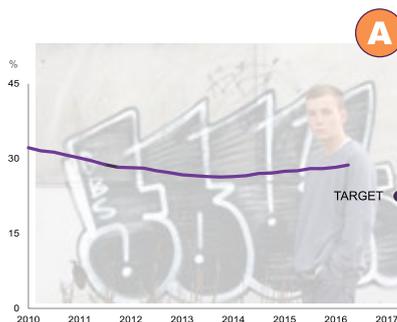
25- TO 34-YEAR-OLDS WITH NZQF L4 QUALIFICATIONS



## REDUCING CRIME

### 8 REDUCE RE-OFFENDING

RE-OFFENDING RATE



Hughes explains that, since coming into his current role, he's been working with the Chief Executives as a team to take that 'system' focus further. Together they have begun formulating a plan that focuses on trying to bring the system of the public service back together around four key areas:

1. Data and analytics – which they see as the core engine for driving better results and measuring progress.
2. Information Communications and Technology (ICT) – which they see as the core enabling engine of service delivery (enabling people to access all the services they need, from one spot, on any device, at any time).
3. Leadership across the system – it was agreed they need to think of public sector leaders as system assets first with their departmental ties second.
4. Taking the system focus further – evolving from the current sectoral groupings (justice sector, social sector, natural resources sector and others). The public service needs now to make the transition from a sector focus to a system focus.

"If you ask a New Zealand public servant what they do, they'll tell you which individual agency they work for and what their role title is. If you ask the same question of an equivalent person in the United Kingdom, they'll tell you that they're a civil servant in the UK civil service. We've lost something there that we need to capture if we are to tackle these system level challenges together," adds Hughes.

#### IS IT ALL ROSES?

Graham Scott, Commissioner at the Productivity Commission, shares his thoughts on some of the gaps that remain, despite the success of the BPS. He also cautions the sector against the risk of initiatives such as this being seen simply as a war on silos, which he sees as a distraction.

"The government has inherently strong vertical lines of accountability – partly so it can accurately account for every cent of public money it receives, and partly because that is the structure of our democracy.

"Silos are not only everywhere but they actually perform a very useful service – it would be foolish to suggest the government can ever operate with no silos. An organisation with no silos is chaotic.

"Rather than trying to remove silos, we need to focus on how best to arrange the lines of authority in ways which enable blended services to be delivered from across the silos," Scott adds.

In its 2015 report *More Effective Social Services*<sup>1</sup>,

the Productivity Commission judged that "the system is doing a good job for many people, most of the time. But there is plenty of room for improvement at the system level."

The report also found that, although a relatively small proportion of people fall into the category of having highly complex needs but a low personal capacity for navigating the system, these people "experience consistently poor results across health, education, welfare dependency and crime. This can create a cycle of disadvantage that persists across generations.

*"Alongside the updated targets, BPS 2.0 will reset our focus on the system as a whole and why that system exists in the first place."*

"For these people and their families, just making the current system work better is not enough. They need an adaptive, client-centred approach to service design."

Graham Scott relates these findings back to their implications for the future of Better Public Services:

"When you look at the BPS material that's on the SSC website you see two things: firstly there's the various case studies and illustrations that rightly celebrate some of the terrific work that is underway. However, when you look more closely through the Cabinet papers, you realise that behind the successes there are a lot of disappointments – especially in terms of our ability to provide blended services to those with more complex needs.

*"Rather than trying to remove silos, we need to focus on how best to arrange the lines of authority in ways which enable blended services to be delivered from across the silos."*

"The government has become very good at delivering relatively homogenous services to the larger demographics. We do that very well," Scott explains.

"However, for the most disadvantaged families – those with complex, integrated needs and low capacity for dealing with them – we continue to struggle to achieve the desired outcomes. Statistically speaking, that's where the 'long tails' are.

"With all that's been invested in improving the current system, it might be said that we have achieved much greater success for those who would have succeeded to some degree in our system anyway. For those outside the system, those in the long tails who struggle to engage

<sup>1</sup> [www.productivity.org.nz](http://www.productivity.org.nz)

successfully with the system, the same inequities remain,” Scott adds.

Like Hughes, Scott argues that we need to take a much more integrated approach to understanding and interacting with the system as a whole. Improvements that merely focus on the quality of individual agencies, or even sectors, have taken us as far as they can. Scott points to the BPS target for NCEA achievement as an example.

“The Cabinet paper is interesting reading here – we’re actually doing alright in terms of meeting the target overall. However, what we’re not achieving is a shift in the equities for Māori and Pacific learners, despite the average target going up.

“There is some risk that the way we frame the target itself perpetuates the problem if we’re not careful. If schools get the message they will be rewarded for achieving the 85% target, the easiest thing to do is to target all those students who were just short of the bar and focus your energy on getting them over the line – focus on shifting the middle,” Scott suggests.

“You don’t need to do anything for the ones who would have flown through anyway, and you’re not going to spend much time on those at the bottom who will struggle to get near it. So you lift the middle to reach the target but the equity gap remains untouched.

“There’s a significant risk of goal distortion and I think that’s an issue the BPS architects need to be really careful about in this next season to ensure the goals they set don’t create serious unintended side effects.”

*“There’s a significant risk of goal distortion and I think that’s an issue the BPS architects need to be really careful about in this next season to ensure the goals they set don’t create serious unintended side effects.”*

## TACKLING COMPLEX, ADAPTIVE SYSTEMS

“In what it initially set out to do, and in terms of stimulating more effective horizontal collaboration, BPS has been more successful than its predecessors. One area where I think it hasn’t yet gone far enough, though, is shifting the way in which the system thinks,” Scott adds.

“We’re dealing with an inter-related system, not just the health, educational, or economic challenges that sit on the surface. When you’re looking at complex, adaptive systems, nobody is in control of them. There is no such thing as best practice,” Scott suggests.

“Everything is contextual - when an action is taken by a player in a network, it triggers a range of reactions across the system, which alter the context in unpredictable ways. Even the State with all its power cannot drive these systems to a predetermined goal. There are too many interacting factors that are beyond anyone’s control.”

What Scott argues we need instead is an approach to achieving collective

## IMPROVING INTERACTION WITH GOVERNMENT

### 9 NZ BUSINESSES HAVE A ONE-STOP ONLINE SHOP FOR ALL GOVERNMENT ADVICE AND SUPPORT

REDUCTION IN COST TO BUSINESS FROM DEALING WITH GOVERNMENT



## IMPROVING INTERACTION WITH GOVERNMENT

### 10 NEW ZEALANDERS CAN COMPLETE THEIR TRANSACTIONS WITH GOVERNMENT EASILY IN A DIGITAL ENVIRONMENT

AVERAGE RATE OF TRANSACTIONS COMPLETED IN A DIGITAL ENVIRONMENT



impact: the real question now is what role the State can most usefully play that is most productive in terms of contributing to an outcome in a network that we can influence and contribute to, but not control.

Scott identifies this approach as the Collective Impact Model – a model in which the government participates in a network of players, with a well-defined goal and strategy, and sound governance, but the government is not dominating it. That network is heavily attentive to data and continually evaluates the approach, adapting the nature of the approach whenever it ceases to be effective. In this model the State is an important player around the table, but not necessarily the dominant or lead player.

“For example, we can’t just charge into a situation and do something about homelessness by building more houses, if it turns out the real issue is actually about drug and alcohol addiction or family violence. You’ve got to stay flexible and acknowledge that the best thing to do may only become apparent after entering the situation – and to gain access to that level of detailed knowledge we need to form partnerships with private, community, and non-government organisations which are much closer to the ground than we may be.

“That has significant implications for our contracting and commissioning models. It also challenges the default tendency we seem to have of assuming we’re the ones who run the country. The future is a world of networks and systems. Our thinking must adapt to that,” says Scott.

According to Scott, the future is going to demand a greater emphasis on robust analysis, experimentation, evaluation, community connections, and high-speed adaptation as we jettison approaches that prove not to be working and redistribute resources to those that are. We will also be working much more closely with a wider range of skillsets and collaborating well beyond the boundaries of the government sector.

“That’s not the traditional profile of a middle-level public servant. But make no mistake – this confluence of factors will see vast change to the nature of work in the public sector if it is to enable new approaches to tackling the complex problems and the long tails. And that must happen.

“If the existing model was going to solve the long tail problems, it would have done so by now. The gain from increasing collaboration across ministries is reaching its limits. We need to take a much wider, networked view of the whole system. I look at BPS as an element in a much wider set of changes that are happening,” Scott says.

## WHERE TO NEXT?

Peter Hughes picks up some of the implications these sorts of shifts are likely to have on our leadership needs across the public service.

“No longer will it be enough to be an effective line manager, just leading where you have authority and delegation. You’re going to need to be able

to mobilise people that don't report to you, people from different agencies and organisations. That's a higher order of leadership, with a greater degree of sophistication. This is what we are preparing to develop across the service.

"If you're a manager who is only used to managing your bit in a hands-on way, relying on your authority, this is probably not the best context for you in the future.

"Equally, if you've been a coach or a captain of a sports team or social club, if you've helped lead a community group, and if you've brought up kids, you already know about this sort of relational, social leadership. It's just that we've tended to hang all that learning and experience at the door when we come in to work," Hughes says.

"The problems that remain are hard. They're complex and they're challenging. The progress that's been made on the current BPS targets tells us it's doable, but we have to be prepared to take risks, try new things, and wrestle with it - and I have yet to meet a public servant that's not up for that. No one joined the public service because it's a soft option. Challenges like this are why we're all here."

*"No longer will it be enough to be an effective line manager, just leading where you have authority and delegation. You're going to need to be able to mobilise people that don't report to you, people from different agencies and organisations. That's a higher order of leadership, with a greater degree of sophistication. This is what we are preparing to develop across the service."*

In adopting more of a system view, the other key partners that need to be welcomed around the table are the citizens themselves. As Hughes explains:

"At the end of the day, most government departments are monopolies - people don't have a choice, they can't go somewhere else. That make it even more incumbent on us to ensure we're getting it right for citizens. The best way to achieve that is to design the approach with them. The future will be built on trust and you won't be trusted if you're remote - especially if you're government," suggests Hughes.

"The system has to enable this, rather than limit it. This is why we're taking the reform to the next stage."

## DENMARK: FROM SOCIAL CONTRACT TO COHERENT PUBLIC SERVICE

New Zealand is by no means the only country that has adopted a Better Public Services-type programme. Denmark has been in the vanguard of what is termed the contract management approach, and striking similarities exist between what New Zealand has been doing for the past five years and the trajectory the Danish public service has followed over the past decade or more. Professor Emeritus Jørgen Christensen, of the University of Aarhus' Department of Political Science, explains.

"From the 1990s onwards, we had a strong focus on a contract management approach with our government organisations. Individual ministers were expected to negotiate contracts with each of their lead agencies. The contracts were expected to give attention to key priorities for the agency, but in all other operational aspects the agencies were free to organise their activities as appropriate from a managerial point of view.

*"Rather than wander from one ambitious reform project to another, we need to focus our attention on the specific issues that need to be addressed together."*

"This idea of a contract between the agency and political leadership spread through the whole public sector from the 90s into the early 2000s. The contracts were used to focus the efforts of the individual agencies but no incentives were attached.

"Around the turn of the millennium a bonus system was attached, with agency heads who performed well

receiving bonuses and those who didn't missing out. This system has since been abandoned though as we found it didn't work," adds Christensen.

"There was no statistical correlation between the size of bonuses and performance itself, or the size of the contract. The demands contained in some of the contracts were extremely numerous, with up to 40 or



50 specific demands in a single contract. From there we began to discuss replacing contracts with strategic plans, focusing on few key responsibilities of individual agencies - not entirely unlike your BPS approach.

"In 2001 a new government came into power, with a new Prime Minister, who put forward the idea of a social contract between the government and citizens. The idea was that when a government enters office it has to stick to the programme on which it was elected and cannot make any significant changes without bringing this back to the voters," Christensen explains.

"We were quite successful with this for some years. However, perhaps unsurprisingly, it led to increasingly broad promises as those coming into power tried to leave some flexibility. The idea lasted until 2008-2009

when we entered a financial crisis.

"Suddenly a lot of criticism was directed against this idea of contract government as it was argued it made our government and our political programmes too inflexible and they were unable to adapt to the changing circumstances."

In November 2016 another new government came into power. While the full details aren't available yet, the early indications appear to parallel the thinking that is beginning to emerge in New Zealand. As Christensen explains:

"It hasn't been released yet, but we have a new Minister of Public Sector Innovation who is preparing a new programme titled "A coherent public service." It aims to overcome the traditional focus on procedure and micro management that is now seen as distracting resources from the key priorities.

"Rather than wander from one ambitious reform project to another, we need to focus our attention on the specific issues that need to be addressed together. Whether this approach will achieve that, we will soon see."

# NAMES, NUMBERS, NEEDS

## a success story



**Apryll Parata**

Deputy Secretary, Parent Information and Community Intelligence,  
Ministry of Education



**Hamish Lockwood**

Year 12 Dean, Rotorua Boys' High School

**One of the BPS targets the government set in 2012 was Result 5 – that by 2017 85% of 18-year olds would achieve NCEA level 2 or equivalent. Five years later, that target has been achieved, thanks in part to innovative educational programmes like ARoNA which addresses the needs of educationally at-risk students.**

**Editor JOHN O'LEARY investigated.**

New Zealand has a good educational system, and most school students are achieving NCEA level 2 or equivalent, which the government regards as the minimum educational attainment necessary to give choices and opportunities in life. Two groups, however, have not been doing so well: Māori and Pasifika.

"In 2009 around half of Māori students were leaving school with no formal qualifications," says Apryll Parata, Deputy Secretary, Parent Information and Community Intelligence at the Ministry of Education. "This was a terrible waste of potential. We needed to do something more; we needed to do something *different*."

"I was tasked with coming up with a response to this problem. We started with a programme called ART – Achievement Retention Transition - targeted at all Year 12 students. Achievement started to climb and we were forecast to be on track to meet the 85% target for all students, but not for Māori and Pasifika."

"That's when we came up with the ARoNA programme – a wrap-around educational initiative launched in 2015 to help students in Year 12 who are At Risk of Not Achieving achieve NCEA level 2 or equivalent."

**Numbers, names, needs**

ARoNA, explains Parata, is based on "the three N's"

– Numbers, Names, Needs. "A range of data sets were available to give us an idea of the numbers of students who were at risk of not achieving NCEA level 2, or who had already left school without achieving it. There were concerns over access to this information, but the Government was clear that it expected departments to make better use of data and sharing the analysis to get better outcomes."

"We then asked schools to identify which of their students were at risk of not achieving NCEA level 2 – this is the names part. Some schools had a good analysis of their student data to help them do this; others needed assistance, which we provided."

"Following this, we asked schools to analyse each student's learning and attainment needs – what did they need to do to succeed? What factors might be getting in the way that could be mitigated? We then helped them set up intensive, targeted programmes around these students designed to help them achieve educationally. This might mean talking to local iwi providers; it might mean getting the involvement of a particular mentor who had an interest in the student's future – a local policeman, for example, or sports coach. Sometimes Ministry staff work directly with the families of at-risk students."

"For Pasifika students we set up Pasifika PowerUP PowerStations, and we also established education hubs. Some schools set up their own ARoNA-type programmes."

It's not just students still in school who are being targeted, says Apryll. "Our Count Me In initiative (CMI) is about locating kids in the 1999 cohort who have left the school system with few or no qualifications and then seeing what support we can provide to help them gain NCEA level 2 or equivalent."

"These school leavers could be hanging about in a shopping mall, or sitting at home playing computer games, just passing time. Intervening at this stage can be crucial in turning round a life that's heading in the wrong direction."

At the other end of the educational need spectrum are the students who are in tertiary education or trades training but who have yet to achieve NCEA level 2 or equivalent. "Our Youth Guarantee team is working with 110 tertiary providers to identify these students and address their needs," says Apryll.



By the end of last year, nearly 6,400 school students had been referred to additional support thanks to ARoNA. "The idea is to re-engage students and their families in the learning process and support their achievement of NCEA level 2 or equivalent."

"It's not always an easy process; the involvement we're talking about can be intense and require a real and major attitudinal change on the part of the student."

Sometimes things don't work out, as Apryll admits. But, in general, the ARoNA programme has been a great success. 2016 provisional figures show that 74.7% of Māori and 80.3% of Pasifika kids are now achieving NCEA level 2 or equivalent. This is a significant improvement on the situation of just a few years ago.

As more and more students and ex-students gain NCEA level 2 or equivalent, more and more students will see that educational achievement is possible and within their reach. “As they say, success breeds success.”

**Jumping for joy**

The benefit in terms of better job prospects and life quality, less crime and so on will be huge, says Apryll. “Quite frankly, the whole country should be jumping for joy. I’m a bit puzzled why we don’t hear more celebratory comment about the improvements made in NCEA Level 2 nationally. The stats speak for themselves.”

*“We need to care about our young people; we need to care that they get educated and have real prospects and opportunities in life.”*

In the end, says Apryll, it comes down to caring. “For too long Māori and Pasifika educational failure has been accepted as the norm – people have become immune, if you like, to the bad statistics. But we need to care about our young people; we need to care that they get educated and have real prospects and opportunities in life.

“The ARoNA programme has shown how these woeful statistics can be turned around, though I would be the first to say that it’s not the only way things can be improved – far from it. “The main

thing, though, is that we have to care enough to actually do something.”

Will the ARoNA programme continue for future cohorts of at-risk students? Apryll is hopeful it will, given the success it has enjoyed. She believes, too, that there is room to expand the programme beyond the Year 12 students it currently addresses. Schools have recognised that this individual student-focussed methodology works - a personalised pathway for every child.

“I’d like to see ARoNA, or programmes like it, extended down the age groups, to the early school years. We know that the earlier one intervenes to establish good educational habits and outcomes, the more successful students will be later on.”

One man who knows first-hand how effective the ARoNA programme has been is Hamish Lockwood, the Year 12 Dean at Rotorua Boys’ High School.

“We’ve always had an emphasis on student achievement at RBHS,” says Lockwood, “but the fact was too many boys - especially our Māori boys - were leaving the school without achieving NCEA level 2.

“Today, we monitor all boys’ educational progress carefully via a detailed spreadsheet tracking system. If we see that a boy is entering what we call “the red zone”, we can alert the relevant year dean and make sure teachers are on board with what’s going on.

“We might talk to the boy’s family, or it might be a case of using our Te Honoa Toi homework programme to help a boy who’s falling behind – this is a positive system of support.

**The right subjects**

“One important thing is finding the right subjects for each boy to study at the beginning of year 12. Often it’s a case of choosing the more practical subjects, such as forestry, technology and automotive, in which the boy can see himself as having a career. One boy I know went from 20% class attendance to 90% once we’d sorted out what he was good at and where he saw his future lying.”

The monitoring and intervention process Lockwood describes continues across the age groups, with year deans handing on information to each other as boys progress through the school. This makes it more difficult for individuals to “fall through the cracks.”

Does Lockwood see the school’s ARoNA-type programme continuing?

“Absolutely. I’ve seen an improvement in educational achievement, with increasing numbers of boys now achieving an “excellence” endorsement. It’s good to see them flourishing after they leave RBHS – going on to polytech or university.”


ALLEN+CLARKE

**NEW ZEALAND’S LEADING PUBLIC POLICY CONSULTANCY**

With 16 years of experience on public policy, research and evaluation projects in New Zealand, Australia and the Asia-Pacific, Allen + Clarke is the consultancy of choice for many government and non-government agencies.

**OUR COMPANY PURPOSE:**  
To mobilise passionate and capable people to tackle the challenges facing society

Contact us if you’d like to discuss project-based or inhouse placement support for:

-  Evidence-based policy and service development, implementation and review
-  Evaluation and research
-  Regulatory analysis, advice, implementation and review
-  Machinery of government support
-  Programme and secretariat support services
-  Stakeholder engagement and consultation processes
-  Project and programme management
-  Business/service process change, review and improvement

Allen + Clarke is a member of the All-of-Government Panel for Consultancy Services in the following service sub-categories:

- Policy, research and development
- Business change

We achieved a very high quality ranking in both of these sub categories.

For more about Allen + Clarke, including project and consultant profiles, please see:  
[www.allenandclarke.co.nz](http://www.allenandclarke.co.nz)  
or call us on 04 890 7300



ALLEN+CLARKE

# The Children's Champion

## A conversation with Judge Andrew Becroft



**Judge Andrew Becroft**

Children's Commissioner

**Children's Commissioner Judge Andrew Becroft represents 1.1 million New Zealanders under the age of 18, who make up almost 25% of the total population. He advocates for their interests, ensures their rights are upheld, and helps them have a say on issues that affect them. He talked with Public Sector's ROSE NORTHCOTT about his career, why government policymakers need to put much more focus on children, and the need for a joined up, overarching plan to reduce child poverty by half by 2030.**

**Before taking up this role in July 2016, you had a 30-year career as a lawyer and judge. What attracted you to the law and what were some of the highlights?**

I can't talk about a childhood vision of being a crusading lawyer, although I was very attracted to the idea of advocating and standing up for other people. I originally dismissed the law as an option because of my speech impediment. A teacher said 'while Andrew is capable, three things are unlikely: a career in the church, law or education'. Mum and Dad were thankfully of the view that you could try anything and I combined a law and arts degree.

I got a job with a Queen Street law firm. My real interest was court work and after two years the firm paid for me to go to a residential course to help with my speech impediment.

That firm was entirely supportive of me helping set up a community law centre in Mangere with five others, which led to me living and working there. For the first time I was confronted with issues relating to Māori historical grievances and the long-term and enduring effects of colonisation and Treaty breaches. It was deeply humbling and influential on my legal practice and on my understanding of New Zealand. It began the process of opening my eyes.

Working as a District Court Judge in Whanganui I was exposed to a huge variety of work. Legally, there was no better place to learn. In a city of 48,000 people, you couldn't hide. People knew who you were. It helped me realise that in a District Court you are a judge of and for the community. It was a great incentive to treat people as you'd like to be treated and that showing respect for people's dignity was not inconsistent with being a judge.

I was then asked to be the Principal Youth Court Judge. That proved to be a terrific opportunity and built on all my previous experience. You are dealing with a small group of New Zealand's toughest young offenders who combine our most pressing societal issues. They are largely male, disengaged from school, severely neuro-developmentally disordered, or under the influence of drugs, alcohol and violence. They come from disordered, transient families. Three-quarters have a history of abuse and neglect and sadly, they are disproportionately

Māori. The Youth Court was community's last best shot to turn those lives around. It was absorbing, challenging and rewarding work.

**Eight months into the job, how are you finding the Children's Commissioner role?**

It's a privilege, but it also comes with a deep sense of responsibility. There are 1.12 million under 18 year olds in New Zealand. That's the jurisdiction of the Children's Commissioner. That's nearly 25 per cent of the population. They are disenfranchised and often without a voice and they are a cohort of great extremes.

I'd say 60-70 per cent do as well if not better than comparable groups in any western world countries in sport, cultural, and academic achievement. There's cause to really celebrate what's going on with the majority of our New Zealand children.

But at the bottom, the most challenging end, our 10-20 per cent of under-18 year olds probably do worse than most comparable western world countries. Well-being rates for Māori are even worse. I feel an enormous responsibility that we do the right thing for all our children, but particularly that most disadvantaged and challenging cohort.

**What's your involvement with the new Government agency Oranga Tamariki?**

The creation of Oranga Tamariki is a once-in-a-lifetime opportunity to build a truly transformational, world-leading organisation. We are closely involved in the work of the 100 or so people called the Investing in Children team which is shaping the new ministry. The emphasis is on targeted and earlier investment in children, with a particular focus on Māori, and ensuring a joined-up delivery between major government departments, health and education in particular. It provides a chance to do something distinctively different.

We've nowhere near completed that process and I'm not in a position to make any assessment as to what the end product will look like, but our policy work with that design team is asking four questions:

- How are the proposed changes transformational and do they fit with the expert advisory panel's recommendations, or are the

proposals constrained and limited by current resources?

- How do the proposed changes increase child centredness?
- How do the proposed changes address the needs and address the deficits for Māori? The success of Oranga Tamariki will stand and fall on how it delivers for Māori.
- Finally, how well do the proposed changes meet New Zealand's obligations to the United Nations Convention on the Rights of the Child?

*The whole BPS goals are a helpful measure, and it's good to see those sorts of issues being targeted and addressed, but I believe we are now in a position to go further. When it comes to the rights of children, we need a joined-up, overarching plan.*

### **What does it mean for government organisations to be truly child-centred?**

It's a challenging part of public policy that is largely unknown, poorly adhered to and astonishingly little talked about in public policy circles. It's an area that needs much more focus. Every public policy organisation needs to ensure that a truly child-centred approach is factored into their policy and decision-making

Currently, being child-centred is often somewhat of a tick box exercise because we think we know what children would say. It is seen, if not window dressing, then somewhat of a formality. Actually nothing could be further from the truth. The voices of under-18 year olds provide richness to decision-making. It adds to the debate and improves the end product. It's not a matter of blindly delivering every single expectation of a child. Rather, it's a matter of carefully factoring their view into the policy decision, balancing it and telling them why, if their view isn't followed, the reasons for it.

There have been very good examples of where being child-centred is not just a formulaic exercise. These include the New Zealand Transport Agency asking us to conduct a survey regarding children's views about riding bikes on the footpath. And when Social Development Minister Anne Tolley set up a reference group of young people who've been through the system, one of their big consistent concerns was that when they were removed from families they wanted to remain with their brothers and sisters, so sibling unity is now in the Act.

There is a real challenge for New Zealand policy makers to take seriously a child-centred approach and begin to implement it. It surprises me how poorly we've done that.

For example, one of our submissions on the Education Bill currently before the Select Committee says there does not seem to have been an attempt to specifically consult with children, for example to get their views on the purposes of education or about being on a Board of Trustees. That would all add value and we've said the final decision should be stopped until that has taken place.

These are some of the public policy challenges that we have got an obligation under the United Nations Conventions on the Rights of the Child to raise. Not only is it the right thing to do and good for policy, it is what the convention New Zealand has signed up to requires. It isn't optional.

### **What's your view on the progress being made on the Better Public Services goals that relate to supporting vulnerable children (increase participation in early childhood education, increase infant immunisation rates and reduce the incidence of rheumatic fever, reduce the number of assaults on children)?**

The whole BPS goals are a helpful measure, and it's good to see those sorts of issues being targeted and addressed, but I believe we are now in a position to go further. When it comes to the rights of children, we need a joined-up, overarching plan.

### **Should reducing child poverty be the Government's number one priority?**

In a sense, in this role, all roads lead to child deprivation. While no one can say relative income poverty is causative of adverse life outcomes - many in that group are well loved and flourish despite tough circumstances - we have to accept that living in relative income poverty is a high risk factor for adverse life outcomes.

One revealing example is that hospitalisation for assault, negligence or maltreatment for under-14 year olds is eight times more likely for children from the most deprived quintile than from kids with more advantaged quintiles. Maybe the lowest quintile reports it more, but on the face of it, it raises fair and square that living in a deprived and materially disadvantaged environment as a child increases risk. We can't escape that.

And that is why this office can't escape raising that issue, which is what we do with the Child Poverty Monitor. However way you cut it, at the most severe and disadvantaged end, there are 85,000 – 90,000 children living in severe deprivation who are consistently materially disadvantaged. We have to turn that around. It is important that we agree on a suite of measurements and obtainable targets, and we already have the United Nations Sustainable Development Goals, which New Zealand has signed up to, to reduce poverty in all its forms by half by 2030. We can't get there without a road map which is what I'm suggesting and I'm looking forward to productive discussion.

In my view this isn't something that is simply a government responsibility. While we look to government to take a lead, if we are really going to make a change, it will involve NGOs, civil society, business and the community. It's a challenge for the whole country – probably one of the biggest and most important challenges facing us as we go forward.



## BETTER OUTCOMES: COLLABORATING ON THE GROUND

*The justice sector is responsible for some ambitious crime reduction Better Public Services targets: 20% reduction in total crime rate (increased from 15% initial target), 20% reduction in the violent crime rate, 25% reduction in the youth crime rate and 25% reduction in the re-offending rate.*

*The Hutt Valley Justice Sector Innovation Project, which ran from mid-2012 to December 2013, was a collaboration between justice sector agencies and the community. Its purpose was to test whether this on-the-ground collaboration would contribute to achieving Better Public Services targets and priorities. The project won an IPANZ Public Sector Excellence Award for achieving collective impact.*

*Did it work and several years on, is this collaborative approach still working for the justice sector?*

**MARGARET MCLACHLAN** *investigates.*

If you are a low-level offender, the Police can direct you to front up to a restorative justice iwi panel. These might be comprised of community members or kaumātua, and you would have to talk with them about why you committed the offence.

Pre-charge iwi panels were a new intervention trialled during the Hutt Valley project and still in use, says Dr Saskia Righarts, Manager Sector Strategy, Ministry of Justice. They are provided by Community Law Wellington and Hutt Valley in conjunction with Te Rūnanganui o te Ātiawa.

“The panels use a problem-solving approach to address factors that contribute to the offending. They also focus on repairing harm caused by the offence, for example referring offenders to a training programme and/or commit to good behaviour for a stated period.”

Dr Righarts says evaluation shows the panels help identify factors associated with offending and connect the offenders with the services and support they need to change their behaviour and get their lives on track.

*“The biggest barrier in delivering shared services is establishing a joint understanding of the issues. What is the problem we wish to address and how will we work together and think differently?”*

“This support also helps improve broader social outcomes for people, by helping them obtain driver licences, undertake volunteer work and engage in education or training programmes.”

The future of iwi panels – which are currently funded to 30 June 2017 – is being actively considered. Dr Righarts says research into whether those who appear before iwi panels reoffend is needed to see how effective they are long-term.

### Justice system a pipeline

The Hutt Valley Innovation Project recognised that the criminal justice system can be conceptualised as a pipeline, where the actions and decisions of one agency can often impact on others. Agencies such as Police, Corrections, Courts, and Child, Youth and Family (CYF) had previously been working beside each other instead of with one another. The Hutt Valley Innovation Project changed this by setting up cross-agency teams with a common purpose provided by the justice sector’s Better Public Services targets.

“The biggest barrier in delivering shared services is establishing a joint understanding of the issues. What is the problem we wish to address and how will we work together and think differently?” Dr Righarts said.

It also took a ‘local solutions to local issues’ approach to innovation. This meant that the local teams generated their own initiatives, informed by advice and data, to address the problems in their community.



Some of the Hutt Valley initiatives included:

- A justice sector mobile community office: justice, social sector, NGOs and community agencies taking their services (such as emergency preparedness, victim support, probation, and clearing warrants to arrest) out to the most vulnerable people in the community.
- Justice sector agencies conducting intensive, multi-agency operations, such as visits to people’s homes to address drivers of crime (alcohol related harm, at-risk youth, family violence).
- Implementation of a truancy initiative in Naenae to help raise youth achievement.

The approach taken during the project was critical to its success. Agencies were involved in collective problem solving, for example, to minimise tension between gangs in court, Police, Corrections and Justice were able to adjust hearing schedules so that rival gang members’ appearances were on different days.

Dr Righarts says the shared justice sector BPS targets provided a common agenda, and a reason for frontline staff to work together.

“Having access to BPS data at a local level and being able to compare this to national progress helped sharpen focus on results. Local BPS data was a key driver for generating shared discussion and collective action.”

The Hutt Valley BPS measures surpassed the national trends (except for re-offending). At the end of the project, total crime in the Hutt Valley was down by 23%.

Police Inspector Sean Hansen, Area Commander for the Hutt Valley, says the momentum generated by the initial project has not been lost.

“Formal monthly meetings continue as part of the Hutt Valley Innovation Project where local leaders meet, driving their work together to reach the common goals relating to reducing harm in our communities. We have also focused on developing multi-layered relationships within each of our organisations that are of significant benefit to us all.”

Following the success of the Hutt Valley project, similar projects were approved for Papakura, Hamilton and the East Coast of the North Island. Each project was led by a team of local justice sector managers and in total, 25 initiatives have been scoped, planned and initiated. As these projects were managed at a local level, the Ministry of Justice’s national office were unable to provide an update on the results for these initiatives.

**Challenges remain**

The latest Better Public Services results are for the year ended September 2016. They show:

- Total crime rate is down 14% since 2011 (target 20% by June 2018)
- Violent crime rate is down 4.2% since 2011 (target 20% by June 2017)
- Youth crime rate is down 32% since 2011 (target 25% by June 2017)
- Reoffending rate is down 4.4%, reoffending numbers fallen by 25% (target 25% by June 2017)



Justice Minister Amy Adams acknowledged at the time of release (March 2017) that challenges remain in meeting the justice sector targets.

“While there has been great progress in the BPS results since 2011, it’s become clear that the easy gains in reducing crime are over and we need to continue to develop new ways to bring crime down further,” she said.



**Amy Adams**  
Hon Amy Adams, Minister of Justice

“Across the board, we’ve been challenging ourselves to think differently about how we tackle some of the complex issues facing our justice system. At the heart of this work is the Investment Approach to Justice which is aimed at assisting justice and social sector agencies identify and address the core issues that can help prevent crime occurring and reduce harm.”

Adams explained in a speech to the Government Economics Network on 6 December 2016 (<https://www.beehive.govt.nz/speech/using-data-fight-crime>) that the purpose of the Investment Approach to Justice is to boost crime prevention and reduce harm from crime in New Zealand communities.

“The Investment Approach to Justice is



made up of two parts: working out who is experiencing what crimes and where; and then what initiatives work to prevent it.”

Adams said the justice sector has committed \$2 million to build an actuarial model.

“It doesn’t just test justice sector interventions, but it will be capable of assessing and informing decisions right across the social sector in terms of the impact they will have on future offending.

“The final step is using this information to make better decisions. It will help Ministers decide what to invest in. And it will help police officers, social workers, probation officers and others determine who to focus on and what can be done to help.”

**Collaboration to reduce family violence**

Another example of agency collaboration is around the area of reducing family violence.

A pilot programme, the Integrated Safety Response (ISR), brings together a team of Police, CYF, Corrections, Health, specialist family violence NGOs and Māori service providers to support victims and their families. It aims to better support family violence victims by improving safety and stopping family violence escalating by identifying risks and intervening earlier. It has been operating in Christchurch since July 2016, and a second pilot running in Waikato since October 2016. Additional funding of \$680,000 from the Justice Sector Fund (February 2017) will enable the Christchurch programme to continue.

A key feature is the identification of ‘high risk’ victims and an independent family violence specialist to support these victims to reduce the risk of further violence.

The new approach has a family/whānau focus – it aims to assess and support the whole family’s needs. As well, perpetrators of violence are managed.

“The ISR pilot takes a whole-of-family approach to stop family violence by identifying risks and intervening earlier,” Adams says.

Dr Righarts agrees that the Investment Approach to Justice will provide a richer understanding of people who offend, and help guide investment and resourcing decisions to prevent crime from occurring.

*“Better Public Services targets, if sensibly set, are beneficial as they make agencies work together and coordinate all of our activity.”*

The Ministry of Justice is grappling with which programmes have an effect on reducing crime and therefore improving the BPS results.

“That’s true of so much in the justice sector; it takes time to see the effect. For example, the first groups have just graduated from the Alcohol and Other Drug Treatment Courts so we don’t know yet about recidivism rates.

“Better Public Services targets, if sensibly set, are beneficial as they make agencies work together and coordinate all of our activity. For example, a goal of the government is to reduce reoffending so it’s a measure that makes us publicly accountable to New Zealand.”

# HUMAN RIGHTS - IN EVERYONE'S INTEREST

*In the first on our series on Commissions, SHELLY BISWELL looks at the work of the high-profile Human Rights Commission.*

On 8 March – International Women's Day – Race Relations Commissioner Dame Susan Devoy spoke at a special event about peace at Te Papa called *Take from My Palms* that was created and performed by Wellington East Girls' College students. Devoy only had five minutes to speak, so she would have been forgiven for keeping her comments to a few general thoughts about the importance of International Women's Day. She did that, but she did so much more. She weighed in on several topical issues for New Zealanders, from the perennial earnings gap between men and women,



**Dame Susan Devoy**  
Race Relations Commissioner

to the sex comments made by Wellington College school boys in a private Facebook group. She spoke with urgency and a call to action.

That sense of urgency and determination is apparent when you talk to Chief Commissioner David Rutherford too. While he's been in the role since 2011, his energy and enthusiasm for the work of the commission is obvious.

With a small staff of 60, the commission is involved in a range of activities, from responding to and resolving human rights complaints, to implementing the New Zealand Human Rights Action Plan, along with human rights education and advocacy. The commission also reports on New Zealand's compliance with international human rights instruments.

## Starting the conversation

The Human Rights Commission has made a commitment to an interactive and responsive online presence.

"Our digital presence is a key part of the commission's strategy. We need to be there for people when they need us. Social media allows for real-time conversations to occur," says Rutherford. "For example, the *That's Us* race relations campaign that we launched in September last year received over one million hits. Twitter has been a particularly important tool, because it's immediate and conversational."

Rutherford says the use of social media has been the biggest change within the organisation during his tenure, as it enables a level of monitoring that was not previously achievable.

"We recognise not everyone is online, particularly some of the vulnerable populations we work with, but the other benefit about our digital presence is that it allows a place for people to share what they've witnessed. They might not go to the Police with an issue – often there's a grey area where people aren't sure a crime has been committed, but know that something doesn't feel right to them. We provide another avenue, a way for people to alert us to situations that need to be monitored or responded to."

## Taking action

As part of its digital strategy, the commission has created a fully interactive website. With the New Zealand Human Rights National Plan of Action (<http://npa.hrc.co.nz>), for example, you can explore what actions the Government is taking to protect human rights compared to the commitments it made through New Zealand's second Universal Periodic Review before the United Nations Human Rights Council in 2014 (all countries that are members of the United Nations go through a Universal Periodic Review every five years).

"The plan of action tool is a good way for public agencies to compare themselves against other countries when it comes to human rights work," says Rutherford. "There's a competitive spirit to the plan of action that encourages countries to consistently aim to do better."

The commission's website allows for greater transparency on the submissions made by individuals and groups on New Zealand's review, along with the recommendations made through the Universal Periodic Review, and actions the Government is taking to address the recommendations it accepted through the process.

For the 2014 review, the Government accepted 121 of the 155 recommendations made. The website allows for a more in-depth view on this information by categorising the review's recommendations and the Government's actions across four categories:

- issues, such as violence, abuse and neglect; health; and the Canterbury earthquake recovery
- population groups, such as Māori, children, people with disabilities, women, Pacific peoples
- government agencies
- UN treaty bodies.

For those working in the public service, the webpages provide a glimpse into the Government actions related to your agency. The actions are identified and measured against SMART criteria (specific, measurable, assignable, result-oriented, and timebound). You can also delve into the specific action to learn more about it and see any related review recommendations and whether they were accepted.

*“The plan of action tool is a good way for public agencies to compare themselves against other countries when it comes to human rights work. There’s a competitive spirit to the plan of action that encourages countries to consistently aim to do better.”*

For the Ministry of Justice, for example, there are 14 related Government actions associated with the review. To date, 10 of these actions have met the SMART criteria and another two have met all but the timebound part of the criteria.

One of the actions that has met all the criteria is the establishment of a national home safety service to support victims in their homes. This action will see security improvements to victims’ homes, such as improving locks and setting up alarms, to reduce the risk of further violence towards the victim. A three-year contract was announced in 2015 and by 30 June 2018 it’s expected 950 home safety upgrades will be completed for high-risk victims.

“This level of transparency allows New Zealanders to see how their government is responding to human rights issues and the impact it has on individuals and communities,” says Rutherford.

He adds that for public servants, the way the webpages are set up allow them to review their own organisation’s work.

“It’s a good way to see how your organisation is responding

to human rights issues and if your organisation is not actively addressing these actions, it’s important to ask why. This is an area that we all need to take seriously.”

### Coordinating our response

“One of the real challenges for government is ensuring policy coherence,” says Rutherford. “We’ve found through our work that public agencies are often not very good at joining up their services, particularly for marginalised groups.”

He says there are examples where that is starting to change, for example, through the working groups associated with reducing family violence.

“Where Police, the courts, education, health, social services, corrections, housing and community organisations are working together changes are starting to occur, but it can be hard going and relies on the trust and commitment of individuals within those organisations,” he says.

To that end, Rutherford says the work of the government’s Social Investment Unit is crucial to supporting New Zealand’s human rights aspirations.

“The SIU supports human rights work in two ways – it provides for a more integrated approach to systemic problems and it is based on data.”

### Moving beyond hope

Commissioner Rutherford describes how the Human Rights Commission has moved from being an organisation that was based on hope to one that is based on evidence.

“The adage ‘in God we trust, rest bring data’ is salient to how the commission looks at systemic issues,” he says. “The use of data in our work has allowed us to take a more proactive approach to

## CHILD POVERTY

In a review of New Zealand’s work in protecting the rights of children last year, the United Nations commended much of the work that has been done to support the rights of vulnerable children, but questioned New Zealand’s lack of a comprehensive plan for **all** children. Following its review, the UN published its findings in October and called on the Government to develop a plan to address child poverty, particularly for Māori and Pacific children.

It’s something that both the Human Rights Commission and the Children’s Commission have

called for noting that a child poverty strategy needs to be developed and implemented to meet the UN’s Sustainable Development Goal target of reducing child poverty by 50 per cent by 2030.

Commissioner Rutherford notes affordable and appropriate housing needs to be prioritised as part of that strategy. “We know poor housing affects health, educational opportunities and outcomes, and access to social services,” he says. “To be effective, the plan needs to be across government portfolios.”



addressing issues and move beyond just being a watchdog.”

While providing the public with an opportunity to make a human rights complaint remains central to the Human Rights Commission’s work, Rutherford says the aim is to address issues before they become a problem.

Data can be used to answer questions, including: What and where are the issues? What are the underlying factors? What’s working?

As an example, Rutherford says data shows that around family violence, while there has been a focus on adults within the family, data show that violence is often perpetrated by siblings and cousins.



**David Rutherford**  
Chief Commissioner

“That’s information that can help calibrate our work and allow all of us to better prioritise our resources for better outcomes and to focus on prevention.”

The change is reflected within the commission, where they have recently employed a research analyst to better understand and interpret the data available.

The emphasis on prevention can be seen across the commission’s work, including in areas like bullying in schools where the commission is working with schools, educators, parent groups, students, social services, reporters and others so that there is a “collective impact” to reduce bullying.

“On an issue like this, we work to find the most important place for us on an issue. In the case of bullying, we know it can escalate quite quickly, so prevention is crucial,” Rutherford says.

### **Business in the spotlight**

While much work has been done within the public sector, Rutherford says the commission has also put an increased emphasis on working with businesses.

“In 2011, the UN Human Rights Council adopted Guiding Principles on Business and Human Rights,” Rutherford says. “The principles have provided a way to have conversations with businesses about the benefits for companies that build human rights considerations into their business practices.”

For businesses, there’s the challenge of ensuring that their organisation meets its human rights obligations within New Zealand, but also how their business may impact on people in other countries. For example, if there are human rights violations that are occurring within a supply chain or if investments are being made in areas where known human rights violations occur.

“In a globalised economy, procurement can be a particularly challenging issue for businesses, which is why we are working with the public and private sectors to strengthen procurement practice,” Rutherford says.

Rutherford says, when considering human rights, businesses need to think beyond the obvious – slavery, bullying, child labour, dangerous working conditions – and think about some of the biggest issues facing our society, such as family violence.

For example, the commission is working with leading New Zealand businesses to encourage businesses and organisations to develop family violence policies that support the victims of family violence, as well as perpetrators who want to change their behaviours.

“What we are finding is that after businesses implement policies to address family violence in their workplaces, they inevitably turn to look at addressing this in the community. The Warehouse and ANZ are great examples of this.”

Rutherford says the workplace is sometimes the only safe place for people to raise their concerns.

“More and more successful businesses are recognising the need to actively ‘do good!’”

Another big issue that the business community needs to address is climate change. As the UN notes, the impacts of climate change are going to be felt most by vulnerable individuals and communities due to geography, poverty, or cultural background.

“Similar to how the Canterbury earthquake created a range of human rights issues – from access to medical care, to substandard living conditions, to the need for ongoing mental health services – the effects of climate change present a real human rights concern around the world,” Rutherford says.

*“More and more successful businesses are recognising the need to actively ‘do good!’”*

Already many business and financial leaders are looking to address this issue. Late last year, for example, New Zealand Superannuation Fund Chief Executive Adrian Orr announced that the fund will begin divesting from fossil fuel companies as part of the fund’s climate change strategy. The move is expected to improve the portfolio.

In describing the fund’s approach to the Pension Investment Association of Canada last year, Orr explained that one of the defining features of the fund is that there is “an agreed and clearly-articulated set of investment beliefs – to ensure the disciplined selection of investment strategies and use as a compass for decision-making in times of market stress.

“Our founding legislation requires: ‘avoiding prejudice to New Zealand’s reputation as a responsible member of the world community.’ Just as importantly, we have an investment belief that environmental and social governance are material to long-term returns... As such, we look to integrate Responsible

Investment considerations all through our investment process.”

Rutherford says this approach reflects the move to how the business recognises the importance of being good corporate citizens, and makes good business sense.

*“When you work in this space you see that seemingly small changes can have profound effects on individuals and communities, which makes it incredibly rewarding work. But you are always aware of the need for vigilance and how much remains to be done.”*

### Equality at work

One of the web-based tools that the Human Rights Commission has developed is “Tracking Equality at Work”. The tool uses data to look at four different indicators: employment, discrimination, leadership and pay to see how various groups (based on gender, ethnicity, age, and disability) are tracking over time.



**Dr Jackie Blue**  
Equal Employment  
Opportunities Commissioner

The commission updates the data biannually, and continues to refine the tool and issue recommendations to government and other agencies to improve the outcomes for marginalised groups. For example, in 2016, a new indicator was added that tracks hourly wages in relation to educational qualifications.

On International Women’s Day in 2017 it launched a project called *The 600K Gap* ([www.the600kgap.co.nz](http://www.the600kgap.co.nz)) to “empower young women to tackle the gender pay gap” that reflects findings around the gender pay gap.

As Equal Employment Opportunities Commissioner Dr Jackie Blue stated during the launch of the project, “On average, kiwi men working fulltime earn \$262 more each week than kiwi women working fulltime. Over a 45-year career, that adds up to over \$600,000.

“While unconscious and conscious gender bias in the workplace definitely has a huge impact, there are also a number of important stages and milestones in our lives and careers that contribute to the \$600k gap, such as our approach to applying for jobs and our ability to negotiate our pay. This is why focusing on women under 30 years of age is a key focus for this project.”

In joining up its many resources, the commission is using data, as well as feedback received through its digital channel, to develop a speaker’s series aimed at discussing some of the concerns young women have about negotiating their pay.

### Strengthening New Zealand

As Chief Commissioner David Rutherford says, New Zealand has a reason to be proud for much of the work that’s been accomplished in protecting and promoting human rights. But, he is quick to add, there is more to be done.

“We need business, government and civil society working together to ensure no-one is left behind.

“When you work in this space you see that seemingly small changes can have profound effects on individuals and communities, which makes it incredibly rewarding work. But you are always aware of the need for vigilance and how much remains to be done.”

## ON THE WORLD STAGE - NEW ZEALAND’S LEGACY

While the awareness and fight for human rights has a long history, internationally human rights were articulated in the 1948 Universal Declaration of Human Rights. New Zealand Prime Minister Peter Fraser was one of the drafters of the Declaration and pushed to have the Economic and Social Council recognised as one of the principal parts of the United Nations.

When it was adopted in 1948, Dr Colin Aikman spoke on behalf of New Zealand noting that social and economic rights were equally as

important as political and civil rights, stating: “Experience in New Zealand has taught us that the assertion of the right of personal freedom is incomplete unless it is related to the social and economic rights of the common man. There can be no difference of opinion as to the tyranny of privation and want. There is no dictator more terrible than hunger. And we have found in New Zealand that only with social security in its widest sense can the individual reach his full stature. Therefore, it can be understood why we emphasize the right to work, the right

to a standard of living adequate for health and well-being, and the right to security in the event of unemployment, sickness, widowhood and old age. Also, the fact that the common man is a social being requires that he should have the right to education, the right to rest and leisure, and the right to freely participate in the cultural life of the community.

“These social and economic rights can give the individual the normal conditions of life which make for the larger freedom.”<sup>1</sup>

<sup>1</sup> <http://www.nzlii.org/nz/journals/VUWLawRw/1999/4.html>

# A CONSTITUTION FOR AOTEAROA NEW ZEALAND: What does it hold for the public sector?



**Miriam Bookman**  
Solicitor, Russell McVeagh

***In the first article in our new Books section, Miriam Bookman considers Geoffrey Palmer's and Andrew Butler's A Constitution for Aotearoa New Zealand (VUP, 2016).***

The case for a written constitution has been a hot topic of academic discussion and many a public law essay for as long as anyone (or at least an IPANZ new professional like myself) can remember. In *A Constitution for Aotearoa New Zealand*, Sir Geoffrey Palmer and Dr Andrew Butler raise the stakes further by comprehensively setting out the content of their ideal Aotearoa New Zealand constitution, and the reasoning behind their proposals.

Palmer and Butler argue that under our current arrangements, constitutional law is inaccessible, vulnerable to political whim, and outdated. This is fair criticism. It is uncontroversial to say that the average New Zealander is unaware of our constitutional arrangements, and that most could not tell you the last time the constitution was amended (under urgency in a single sitting of Parliament!). That a politics or law degree is required to understand New Zealand's constitutional arrangements is not only a failure on New Zealand's part to cultivate any kind of meaningful civics education, but also a testament to the confusing nature of our constitutional arrangements.

The authors paint a damning picture of the current state of the public sector. The book notes, "The public sector in New Zealand has a long and proud history. But it is no longer as strong or resilient as it once was...serious problems beset our public sector that must be addressed in a principled and comprehensive fashion".

The book attributes this sorry state to a number of failings: ad hoc restructuring; politicised advice; short-term policy development; and incoherent underlying principles. The authors are not shy to

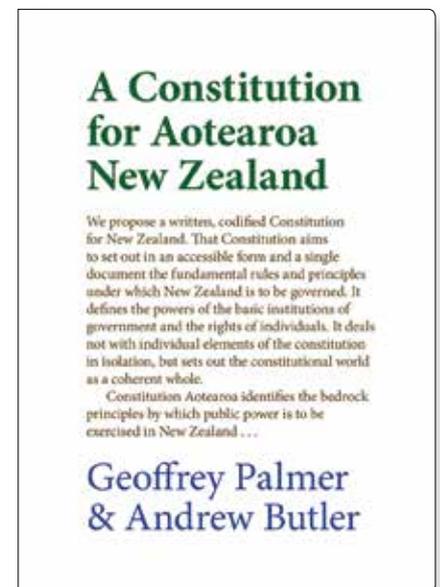
criticise the structures that underpin the public sector of today.

Although not discussed in the book, an Ombudsman Report into the State Services Commission's investigation of former diplomat, Mr Derek Leask, is illustrative of these problems. The Report described the sorely deficient nature of the investigation and recommended a public apology be made and compensation be paid. While it is positive that the Ombudsman acted as a safeguard in making these crucial findings and that the Government and State Services Commission accepted them, the Report could have easily been disregarded by the whim of Government. It reflects the worrying culture discussed by Palmer and Butler.

The authors confess that their proposed solution to the long list of public sector woes is in no way a comprehensive fix-all, and consequently call for a Royal Commission of inquiry. However, they include in their written constitution an article dedicated to the public service and its underlying principles:

#### **Article 26 The public service**

1. The public service recognised by this Constitution is the public service in existence before this Constitution entered into force.
2. The public service is a career-based service, where appointment and promotion is on professional merit.
3. The first duty of the public service is to act in accordance with this Constitution and the law.
4. The public service must be politically neutral and impartial and must serve loyally the Government of the day.
5. The public service must provide ministers with free and frank advice.



6. The public service must uphold the concept of stewardship, that is active planning and management of medium- and long-term interests, along with associated advice.
7. The public service is headed by the State Services Commissioner, appointed by a resolution of the House of Representatives after receiving a recommendation from the appropriate select committee of Parliament.
8. The Commissioner makes decisions independently of ministers and is the employer of chief executives of departments and ministries of the public service.
9. An Act of Parliament in accordance with these principles provides for the public service and the wider state sector and the purposes of that Act are to promote and uphold a state sector system that—

- a. is imbued with the spirit of service to the community:
- b. provides free and frank advice to the Government:
- c. administers the policies of the Government:
- d. maintains high standards of integrity and conduct:
- e. maintains political neutrality and impartiality:
- f. is supported by effective workforce and personnel arrangements:
- g. is driven by a culture of excellence and efficiency:
- h. fosters a culture of stewardship:
- i. requires public servants to act within the law.

These expectations set out, in one accessible location, a high standard of conduct. They place an emphasis on an impartial and politically neutral public sector whose overall duty is to the constitution and the law. The article demands that a State Sector Act (or equivalent) embody these purposes and values. State Services Commissioner Peter Hughes has previously described the public sector as “a constitutional artefact... to be protected and nurtured”. Here, Palmer and Butler are doing just that.

*Palmer and Butler argue that under our current arrangements, constitutional law is inaccessible, vulnerable to political whim, and outdated.*

The specific principles listed in subsection 9 are a reinforced and strengthened iteration of the purposes set out in section 1A of the State Sector Act 1988. One of the purposes in the State Sector Act is “maintaining appropriate standards of integrity and conduct”, whereas under the proposed constitution, the public sector must “maintain high standards of integrity and conduct.” The expectation of offering “free and frank advice” is adapted from section 32 of the State Sector Act. Currently, this duty is only explicitly imposed on chief executives. The proposed constitution would unequivocally imbue the entire public sector with this duty.

It is also no mistake that “free and frank advice” is mentioned twice in article 26. This is a deliberate re-emphasis that tendering free and frank advice lies at the heart of a successful public sector.

These (among other) changes to the State Sector Act, and their incorporation into the constitution, create more vivid expectations of the public sector as a body of high operational and philosophical standards.

But what, if anything, does including these aspirational statements in a constitution actually

do? The first thing to note is that article 26 is no silver bullet. However, there are a number of benefits that constitutionalising public sector principles will inevitably bring.

For a start, having New Zealand’s constitution codified will make it accessible. At present, due to its unwritten form, finding the entire New Zealand constitution is a bit like finding ten different needles in ten different haystacks. It follows that, by including principles of the public sector in a centralised form, and in the pithy language of article 26, the principles will be more widely known. This is likely to be true both inside and outside the public sector – one could imagine article 26 framed and prominent in many government offices. Awareness of the principles would foster a public sector culture that meaningfully upholds them.

#### A powerful tool

Second, Palmer and Butler’s proposed constitution gives the courts a strike-down power, meaning that Parliament could not make legislation inconsistent with article 26. Anything of a lower standard could be challenged and consequently struck down by a court. The principles in article 26 therefore set the standard for any piece of legislation that references the operation of the public sector (such as the Public Finance Act, Crown Entities Act, State Sector Act). This would be a powerful tool to ensure that legislation constituting the public sector is kept in check with the high standards that one expects from our public service. Moreover, the proposed entrenched nature of the constitution would mean that these fundamental principles are protected against a bare majority of Parliament. They would be secured for a very long time, or permanently.

Giving sharpened legal status to the principles of the public sector could also result in heightened judicial scrutiny of government decisions that are made contrary to the principles. For example, enshrining free and frank advice in the constitution could mean that if a decision is made on the basis of advice that is neither free nor frank, that decision could be challenged. On the one hand, this could open up departments to frivolous claims that are politically motivated, particularly if judicial scrutiny is used as a tool to challenge the substance of policy decisions. At worst, this could also result in a chilling effect of quality advice that is hamstrung by overly cautious civil servants. However, we can take comfort that a

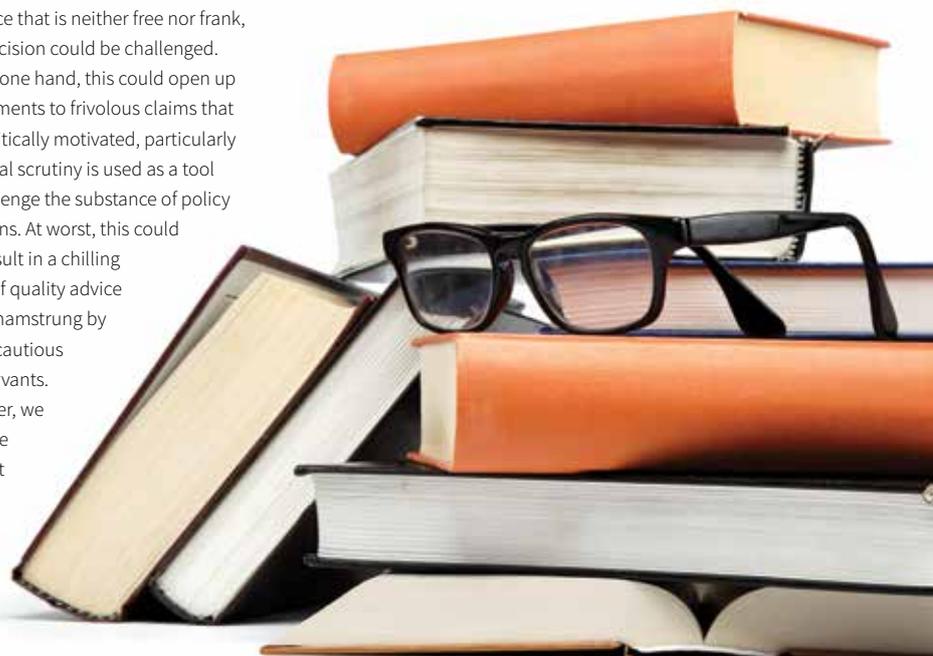
court would set a high threshold for substantive review. Given the courts’ deferential nature to political decisions, we can expect substantive review to take place only in circumstances of highly egregious conduct. In any case, one should not be put off by more robust legal recourse for decisions that are made contrary to the high standards we expect of our public sector.

These benefits then beg the question: would the deeply flawed investigation carried out on Mr Leask have occurred in an alternative Aotearoa New Zealand, where the high standards of public service are enshrined in a written constitution? While I cannot answer with certainty, it is at least entertainable that the embedded culture in the public sector that Palmer and Butler are concerned with might shift, just enough, in a way that would not have tolerated the kind of investigation that was carried out. More importantly, perhaps, we would not need to rely on the Ombudsman’s discretion to investigate, and the government’s discretion to ignore findings and recommendations.

A written constitution is not a cure-all. However, it is undeniable that improving and enshrining fundamental standards of the public sector would at least somewhat address the issues discussed above.

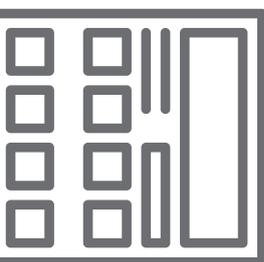
*A Constitution for Aotearoa New Zealand* is a good read for any New Zealander who cares about their individual rights and our collective values. Beyond that, it is also an important tool, and conversation starter, in considering what our constitution should look like, and the values that it should embody. While the codification of the public sector is but one small facet of this, if adopted, this particular proposal has the ability to make substantive positive change to the future quality of policy-making in New Zealand.

*Miriam Bookman is a solicitor at Russell McVeagh in the public law and policy team based in Wellington.*



# BETTER PUBLIC SERVICES FIGURING IT ALL OUT

In this issue's sideways glance, columnist and playwright DAVE ARMSTRONG does the maths on Better Public Services.



A newly elected Prime Minister walks into caucus. "This might be difficult for you to accept," booms the politician, "but we're not going to resort to cheap, vote-winning tricks. There will be no cynical populism on my watch, and absolutely no bribing of the

voters with expensive giveaways. Forget about focus groups or deals to keep coalition partners happy. And bugger the pollsters! Instead, for the next three years, we're simply going to concentrate on finding solutions to complex, long-term societal problems."

Sadly, it seems that in a country like New Zealand, with a relatively short, three-term electoral cycle and an MMP system which tends to produce governments with small majorities, the scene I describe above is rarely seen in real life, and limited to the imaginations of deluded fiction writers like me. If a politician really did deliver such a speech to caucus, I suspect it would be followed by raucous laughter and every MP saying "come on, what are we *really* going to do?"

So why does it seem so difficult for our governments to plan for the long-term and address complex societal problems? The three-year electoral cycle doesn't help, though I don't see much evidence that countries with four- or five-year terms fare better when it comes to long-term planning. As for countries with 40-year electoral cycles – Zimbabwe and Turkmenistan, with their Presidents for Life, spring to mind – I find no evidence they address serious issues like child poverty or inequality any better than we do.

We may have a short electoral cycle but how often do we get one-term governments? Using

my lightning-fast computational skills (gained when getting a C pass, the second time, in Stage 2 Mathematics at university), I calculate that the average life of a New Zealand government since 1935 has been just over eight years. Suggest an eight-year term to Kiwis and I'd wager that they would take to the streets, yet that's essentially what they have voted for over the past three-quarters of a century.

So is our 'unstable' MMP electoral system to blame for our unwillingness to address long-term problems? That sounds like a good argument except for the fact that no MMP government in New Zealand has ever failed to complete its term. And though it was believed that MMP would lead to a proliferation of minor parties, the traditional Right/Left National/Labour blocs that dominated the 20th century continue today.

Maybe our Right/Left 'politics of adversity' is the problem? National tries one, long-term solution and along comes Labour and scuppers it, and vice versa? This is another argument that sounds great in theory until you address the fact that a strong consensus exists amongst our two major political parties on most issues. Both were fully committed to involvement in World War Two, both maintained the welfare state in the middle of the century and both helped reduce it during the 1980s and '90s.

And in recent times, orthodox economic measures such as the floating dollar, keeping public debt relatively low and the Reserve Bank's low inflation targets have been supported by governments on both sides of the House.

### A massive lurch to the centre

In England, your typical Conservative supporter will despair at the "socialist rabble" on the left and your typical

Labour supporter will decry the "Tory toffs" on the right. In New Zealand it is more likely that your typical National voter will worry that their party is becoming "Labour lite" and that your frustrated Labour voter will dub their own party "National in drag". Year after year, left- and right-wing New Zealanders patiently endure a massive lurch to the centre.

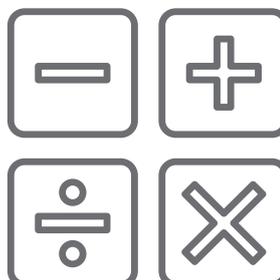
Perhaps the absence of long-term planning is because, in our society which has caressed if not embraced the free market, it can sound a little heavy handed and statist. Weren't Five Year Plans and Ten Year Plans the cornerstone of the Soviet and Maoist economies?

*Many New Zealanders must find it pretty strange that any government would consider things that happen further in the future than next week, let alone in 10 or 20 years' time.*

So given that we are a country of mainly long-term governments which seem unable to commit to finding permanent solutions to long-term problems, what do we make of Better Public Services (BPS)?

This laudable initiative was introduced in response to the 2008 Global Financial Crisis. It's a set of ten goals, called "results", spanning over five different areas that are intended to change the efficiency and effectiveness of our government over the long term. This government has made it a priority during this term.

Many New Zealanders must find it pretty strange that any government would consider things that happen further in the future than next week, let alone in 10 or 20 years' time. What's in it for the government?





## DOING BETTER for our children



**Heidi Coetzee**

Acting Chief Executive

Save The Children New Zealand

Over the past decade there has been an increasing focus in New Zealand on addressing the needs of children and young people whose lives are severely and negatively impacted by factors over which they have no control. There have been positive gains in some areas. But statistics for homicide, assault, neglect and abuse involving children and young people remain high. Many of our children and young people are living in environments that impact negatively on their health, development and well-being, often with significant, lifelong effects.

*A larger framework is needed to encompass Better Public Services results and the much wider range of work needed to change New Zealand's position when it comes to care and protection of our children.*

Despite considerable effort and resources committed to bringing about change, statistics for the well-being of our babies, children and young people continue to be stark. Doing more of the same will bring more of the same. Changes to date are a step in the right direction – they are not enough.

The Better Public Services results (BPS) approach is a key lever for addressing the needs of children and the challenge for Government agencies of changing focus, resourcing, culture and practice at system level and on the ground. It has brought about steady-to-good gains in targeted areas relating to children and young people (BPS 2, 3a, 3b and 4). The approach looks likely to remain a core organising mechanism for Government agencies and should be subject to much stronger critique and action on lessons learned than has been done to date, if we are to make a significant difference for our children and young people.

There are good news stories from the BPS approach. Its social/governance frame, rather than prescribing operational solutions, has eased the impact of vertical accountabilities and provided flexibility for agencies to work far more collaboratively than in the past. It has given space for genuine and dynamic partnerships with communities, to build local solutions, as it has for increasing participation in early childhood education (ECE). Data-driven targeting coupled with initiatives negotiated locally within collaborative partnerships have brought strong, sound results, but usually small in scope and with a solution directly relevant to that community. An example is setting up playgroups in rugby league clubrooms and engaging players as champions of ECE. The shift in rheumatic fever results soared when it was recognised that Housing needed to be integrally involved in the solution with Health. Now, at least six other agencies are involved to maintain the gains. The same cross-agency dynamic underpins the gains in immunisation rates, especially as agencies work to improve the hard-to-get incremental gains at the top end of targets. In all three areas there is clear acknowledgement that families who still need to be engaged with usually require complex interventions, and this is starting to get underway. While there has been some progress in reducing physical abuse of children, the impacts of the Children's Teams and the advent of the new Ministry - Oranga Tamariki - have yet to show their potential.

### Quality counts

The BPS approach brings its own challenges. It focuses on a small number of results. Evaluations by the State Services Commission reflect that this appears important in maintaining the attention of senior leaders. However, it has significant risk attached to it when targets focus on what is easily measurable and priorities are for narrow targets. Participation (enrolment) in ECE is easier to prioritise and measure than quality of the early childhood education provided. Research is clear – it is participation in quality ECE that has strong benefits for children. Equally, immunisation and rheumatic fever incidence are important health factors, but obesity and infectious diseases are major and growing issues

that need urgent and concentrated attention. Better Public Services results are not the only action taken by agencies to address issues, but they can skew attention, resources and effort onto narrow, measureable areas of focus. They can only ever be a part of the complex matrix of change needed to provide care and protection for our children - not the whole story.



The BPS approach shows that the public service can do deep change. It has brought positive changes to focus, culture and practice in targeted areas, within wide-spanning issues. But this is a long way from permeating across all areas or producing the scale of change needed to provide good care and protection for our children and ensure their well-being. A larger framework is needed to encompass Better Public Services results and the much wider range of work needed to change New Zealand's position when it comes to care and protection of our children. The United Nations Convention for the Rights of the Child would provide a much needed organising paradigm for broader, cross-Government commitment to putting the best interests of the child at the forefront of what we do.

The BPS approach has demonstrated that change is possible in addressing the stark reality of our children's well-being. It is a necessary step, but nowhere near sufficient to ensure their care and protection. The scale of change and breadth of focus need to increase, urgently. The lessons learned need to ripple out and underpin a strong and courageous commitment by all Ministers, public service leaders and staff to work in the best interests of each and every child, across all portfolios at all times.

Want your team to be

# more productive?

Let's train them in the skills they didn't learn at university

### We'll design a workshop for you

- > Effective meeting skills
- > Problem-solving and decision-making
- > Emotional intelligence
- > Team leadership
- > Engaging employees
- > Business writing
- > Presentation skills
- > Media skills

**IN-HOUSE TRAINING  
FOR THE PUBLIC SECTOR  
IS OUR CORE BUSINESS**

### Fresh ideas you can use

See our website for more than 260 articles from our specialists.

[www.skillset.co.nz](http://www.skillset.co.nz)

### Soft skills?

We don't think there's anything soft about them.



# MAKE A DATE WITH IPANZ IN 2017



We hold free lunchtime and after work seminars in Wellington and Auckland. The New Professionals network hosts Meet the Chief breakfasts and other networking events.

#### **Parliament in Practice workshop**

18 April, Parliament Buildings, Wellington

#### **Deloitte IPANZ Public Sector Excellence Awards 2017**

5 July, TSB Arena, Wellington

**IPANZ events are a great way to learn about emerging issues in the public sector, to develop professionally, and to network with colleagues.**

[www.ipanz.org.nz](http://www.ipanz.org.nz)



# SCHOOL OF GOVERNMENT 2017 COURSES

## BUILD YOUR PUBLIC POLICY AND MANAGEMENT CAPABILITY IN AUCKLAND OR WELLINGTON

Study at the School of Government  
in Auckland or Wellington.

Auckland courses are held at our premises in Kitchener Street.

They are:

- **Policy Analysis and Advising:** two one-and-a-half day modules starting 14 March
- **Local Government:** two one-and-a-half day modules starting 4 April
- **Policy Methods and Practice:** two one-and-a-half-day modules starting 17 July

Wellington courses are delivered in block modular mode starting late February. They include the above and several other courses, and are held at our Pipitea campus.

The courses are stepping stones to a Postgraduate Certificate, Diploma or Master's degree in Public Policy or Public Management.

Study at one of the  
world's leading  
business schools

Victoria Business School is among just 75 business schools worldwide that hold the triple crown of international accreditations: EQUIS (European Quality Improved System); AACSB (the Association to Advance Schools of Business) and AMBA (Association of MBAs).



Check out our prospectus at [www.victoria.ac.nz/sog](http://www.victoria.ac.nz/sog)

Capital thinking. Globally minded.